



House of Representatives

General Assembly

File No. 689

January Session, 2013

House Bill No. 6508

House of Representatives, May 2, 2013

The Committee on Judiciary reported through REP. FOX, G. of the 146th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

AN ACT CONCERNING THE RECOMMENDATIONS OF THE CONNECTICUT SENTENCING COMMISSION REGARDING FALSE STATEMENT.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 53a-157a of the general statutes is repealed and
2 the following is substituted in lieu thereof (*Effective October 1, 2013*):

3 (a) A person is guilty of false statement [in the first degree] on a
4 certified payroll when [he] such person intentionally makes a false
5 written statement on a certified payroll submitted pursuant to section
6 31-53 which [he] such person does not believe to be true and which
7 statement is intended to mislead a contracting authority or the labor
8 commissioner in the exercise of his authority or the fulfillment of his
9 duties under chapter 557.

10 (b) False statement [in the first degree] on a certified payroll is a
11 class D felony.

12 Sec. 2. Section 53a-157b of the general statutes is repealed and the

13 following is substituted in lieu thereof (*Effective October 1, 2013*):

14 (a) A person is guilty of false statement [in the second degree] when
15 [he] such person (1) intentionally makes a false written statement that
16 such person does not believe to be true with the intent to mislead a
17 public servant in the performance of such public servant's official
18 function, and (2) makes such statement under oath or pursuant to a
19 form bearing notice, authorized by law, to the effect that false
20 statements made therein are punishable, [which he does not believe
21 to be true and which statement is intended to mislead a public servant
22 in the performance of his official function.]

23 (b) False statement [in the second degree] is a class A misdemeanor.

24 Sec. 3. Subdivision (2) of subsection (c) of section 7-294d of the
25 general statutes is repealed and the following is substituted in lieu
26 thereof (*Effective October 1, 2013*):

27 (2) The council may cancel or revoke any certificate if: (A) The
28 certificate was issued by administrative error, (B) the certificate was
29 obtained through misrepresentation or fraud, (C) the holder falsified
30 any document in order to obtain or renew any certificate, (D) the
31 holder has been convicted of a felony, (E) the holder has been found
32 not guilty of a felony by reason of mental disease or defect pursuant to
33 section 53a-13, (F) the holder has been convicted of a violation of
34 subsection (c) of section 21a-279, (G) the holder has been refused
35 issuance of a certificate or similar authorization or has had his or her
36 certificate or other authorization cancelled or revoked by another
37 jurisdiction on grounds which would authorize cancellation or
38 revocation under the provisions of this subdivision, (H) the holder has
39 been found by a law enforcement unit, pursuant to procedures
40 established by such unit, to have used a firearm in an improper
41 manner which resulted in the death or serious physical injury of
42 another person, or (I) the holder has been found by a law enforcement
43 unit, pursuant to procedures established by such unit, to have
44 committed any act that would constitute tampering with or fabricating
45 physical evidence in violation of section 53a-155, perjury in violation of

46 section 53a-156 or false statement [in the second degree] in violation of
 47 section 53a-157b, as amended by this act. Whenever the council
 48 believes there is a reasonable basis for cancellation or revocation of the
 49 certification of a police officer, police training school or law
 50 enforcement instructor, it shall give notice and an adequate
 51 opportunity for a hearing prior to such cancellation or revocation. The
 52 council may cancel or revoke any certificate if, after a de novo review,
 53 it finds by clear and convincing evidence (i) a basis set forth in
 54 subparagraphs (A) to (G), inclusive, of this subdivision, or (ii) that the
 55 holder of the certificate committed an act set forth in subparagraph (H)
 56 or (I) of this subdivision. Any police officer or law enforcement
 57 instructor whose certification is cancelled or revoked pursuant to this
 58 section may reapply for certification no sooner than two years after the
 59 date on which the cancellation or revocation order becomes final. Any
 60 police training school whose certification is cancelled or revoked
 61 pursuant to this section may reapply for certification at any time after
 62 the date on which such order becomes final.

63 Sec. 4. Subsection (c) of section 22a-376 of the general statutes is
 64 repealed and the following is substituted in lieu thereof (*Effective*
 65 *October 1, 2013*):

66 (c) Any person who or municipality which knowingly makes any
 67 false statement, representation or certification in any application,
 68 record, report, plan or other document filed or required to be
 69 maintained under sections 22a-365 to 22a-378, inclusive, or who
 70 falsifies, tampers with or knowingly renders inaccurate any
 71 monitoring or method required to be maintained under said sections
 72 shall be subject to the provisions of sections 53a-155, [to 53a-157,
 73 inclusive] 53a-156 and 53a-157b, as amended by this act, and in
 74 addition, upon conviction, shall be fined not more than ten thousand
 75 dollars.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2013	53a-157a

Sec. 2	<i>October 1, 2013</i>	53a-157b
Sec. 3	<i>October 1, 2013</i>	7-294d(c)(2)
Sec. 4	<i>October 1, 2013</i>	22a-376(c)

JUD *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note***State Impact:*** None***Municipal Impact:*** None***Explanation***

The bill renames two offenses and makes technical and clarifying changes that do not result in a fiscal impact.

The Out Years***State Impact:*** None***Municipal Impact:*** None

OLR Bill Analysis**HB 6508*****AN ACT CONCERNING THE RECOMMENDATIONS OF THE CONNECTICUT SENTENCING COMMISSION REGARDING FALSE STATEMENT.*****SUMMARY:**

This bill renames two false statement crimes. It renames 1st degree false statement as “false statement on a certified payroll” and 2nd degree false statement as simply “false statement.”

The bill also makes technical, clarifying, and conforming changes.

EFFECTIVE DATE: October 1, 2013

BACKGROUND***1st and 2nd Degree False Statement***

By law, someone commits 1st degree false statement (renamed “false statement on a certified payroll” by the bill) when the person:

1. intentionally makes a false written statement on a certified payroll submitted pursuant to the prevailing wage law for state and municipal construction contracts,
2. does not believe the statement to be true, and
3. intends that the statement mislead (a) a contracting authority or (b) the labor commissioner in carrying out her statutory duties related to employment regulation.

First degree false statement is a class D felony, punishable by up to five years in prison, a fine of up to \$5,000 fine, or both.

Someone commits 2nd degree false statement (renamed “false

statement" by the bill) when the person:

1. intentionally makes a false written statement that the person does not believe to be true;
2. intends that the statement mislead a public servant in performing his or her official function; and
3. makes the statement under oath or pursuant to a form bearing notice, authorized by law, to the effect that false statements made therein are punishable.

Second degree false statement is a class A misdemeanor, punishable by up to one year in prison, a fine of up to \$2,000 fine, or both.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 44 Nay 0 (04/16/2013)